

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 15-147(5) (DWF/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Florencio Molina-Gonzalez,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated July 29, 2015. (Doc. No. 109.) No objections have been filed to that Report and Recommendation in the time period permitted.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. In the Report and Recommendation, the Magistrate Judge concluded that, based on the record before the Court, including a recording of the interrogation at issue and the testimony of the special agent involved in the questioning, the Government had met its burden of proving by a preponderance of the evidence that Defendant voluntarily, knowingly, and intelligently waived his *Miranda* rights prior to being questioned. As a result, the Magistrate Judge recommended that Defendant's Motion to Suppress Statements (Doc. No. 47) be denied.

After having reviewed the record, the Court agrees with the Magistrate Judge's recommendation and sees no reason to deviate from that recommendation. Therefore, based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

**ORDER**

1. Magistrate Judge Franklin L. Noel's Report and Recommendation (Doc. No. [109]) is **ADOPTED**.

2. Defendant's Motion to Suppress Statements (Doc. No. [47]) is **DENIED**.

Dated: August 20, 2015

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge